[a] an off-vehicle data transmitter responsive to the request signal for accessing the data storage unit to read the corresponding data and for transmitting the read data to the data processor in the vehicle sensed by the sensor means.

REMARKS

The Examiner has indicated that claim 5 would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. Applicants have amended claim 5 accordingly. In addition, claims 1 and 8 have been amended to further clarify the claimed invention. No new matter has been added.

The Examiner has rejected claim 4 under 35 U.S.C. §112, second paragraph, and states that the term "polls" is confusing because it is not clear what is actually taking place. Applicants respectfully submit that the specification states that the sensor "polls" the vehicle and determines whether or not the vehicle is active (see page 7, line 26 to page 8, line 5). In addition, referring to Figure 5 and beginning at page 9, line 7 of the specification, it is stated that if an active data processor is polled by the information center, the data processor will respond by transmitting a start signal to the information center. Thus, Applicants respectfully submit that polling function of the sensor in the information center is clearly described in the specification.

Claims 1-3, 6 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sumner. In support of this rejection, the Examiner states that Sumner discloses all the claimed subject matter including the claimed transmitter which is met by the communication subsystem (102), and the claimed sensor unit which the Examiner states is met by a "handshake message" (col. 13, lines 54-64).

Sumner discloses a system that provides real-time congestion data to drivers. The system includes a communications subsystem (102) which transmits data to a vehicle, and a vehicle processor subsystem which receives the transmitted data. As disclosed at col. 14, lines 9-11, the communications subsystem (102) periodically transmits individual link

messages. As illustrated by Figure 5, the data broadcast is not initiated by a signal from the vehicle processor subsystem.

In contrast, amended claims 1 recites a data transmitter which transmits data to the on-vehicle data processor in response to a start signal originating in the on-vehicle data processor which is sensed by the sensor unit. And, claim 8 recites a data transmitter which transmits data to the on-vehicle data processor in response to a request signal originating in the on-vehicle data processor which is sensed by the sensor means Thus, Sumner's communication subsystem (102) is entirely different than the transmitter recited in claims 1 and 8.

Sumner also discloses a "handshake" message which is generated to indicate whether the system is operating properly. Although there is nothing in Sumner that discloses how this message is generated, it is apparent that the function of the displayed "handshake" message is to provide the vehicle operator with initial or periodic system status messages. In contrast, amended claim 1 recites a data transmitter which transmits data to a data processor when the sensor unit senses a start signal from the data processor. And, claim 8 recites a data transmitter which transmits data to a data processor when the sensor unit senses a request signal from the data processor Thus, since the "handshake" message of Sumner does not trigger the transmission of data to the on-vehicle data processor, is completely different from the sensor unit of claims 1 and 8.

In view of the above, Applicants respectfully submit that independent claims 1 and 8, and the claims which depend therefrom, are not anticipated by Sumner. In addition, Applicants respectfully urge that Claims 1 and 8 are not obvious over Sumner because Sumner does not teach or suggest the claims as a whole, including a data transmitter which transmits data to an on-vehicle data processor in response to a start or request signal which is sensed by the sensor unit and which is transmitted from the on-vehicle data processor.

Claim 4 has been rejected under 35 U.S.C. §103 as obvious over Sumner. In support of this rejection, the Examiner states that it is known that a sensor detects a signal. However, in order to sustain a rejection of a claim based on obviousness, the prior art must teach the claim as a whole. As discussed above, Sumner does not teach or suggest claim 1 as a whole, including a data transmitter which transmits data to an on-vehicle data

processor in response to a start signal which is sensed by the sensor unit and which is transmitted from the on-vehicle data processor. In addition, nothing in Sumner teaches the claimed limitation that the sensor unit polls the vehicles to sense a start signal transmitted from the vehicle. Therefore, Applicants respectfully submit that claim 4, which depends from claim 1, is not obvious over Sumner.

Claims 7 and 11 have been rejected under 35 U.S.C. §103 as obvious over Sumner in view of Taniguchi. Referring to claim 7, the Examiner states that it would have been obvious to provide Sumner's central subsystem with the input device of Taniguchi. Referring to claim 11, the Examiner states that Taniguchi discloses that it is known in the art to provide request signals for music information.

As discussed above, in reference to the rejection of claims 1 and 8, Sumner fails to teach claims 7 or 11 (which depend respectively from claims 1 and 8) when the claims are considered as a whole, including a data transmitter which transmits data to an on-vehicle data processor in response to a start or request signal which is sensed by the sensor unit and which is transmitted from the on-vehicle data processor. In addition, nothing in Taniguchi teaches dependent claims 7 and 11 (which depend respectively from claims 1 and 8) as a whole, including a data transmitter which transmits data to an on-vehicle data processor in response to a start or request signal which is sensed by the sensor unit and which is transmitted from the on-vehicle data processor. Thus, Applicants respectfully submit that neither Sumner nor Taniguchi, whether taken alone or in combination, render claims 7 or 11 obvious.

CONCLUSION

Reconsideration of the application as amended is respectfully requested. Claim 5 has been rewritten as an independent claim and claims 1, and 8 have been amended to further clarify the claimed invention. No new matter has been added. In view of the above, Applicants respectfully submit that claims 1-11, as amended, are not indefinite and

are not anticipated or obvious over Sumner or Taniguchi when considered alone or in combination. Therefore, early allowance is earnestly requested.

The Examiner is invited to contact the undersigned at (202)429-1776 to discuss any matter concerning this application.

The Office is authorized to charge any underpayment or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

Date 7/17/96 By _____

Linda B. B. Blackburn
Reg. No. 38,385

KENYON & KENYON
1025 Connecticut Avenue, NW
Washington, DC 20036
telephone: 202/429-1776
facsimile: 202/429-0796

111775